

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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**RICHARD BECKER,**

**Plaintiff,**

**-against-**

**INTERNAL REVENUE SERVICE,**

**Defendant.**  
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**80 CV 2711 (NG)**

**ORDER**

**GERSHON, United States District Judge:**

Plaintiff has filed a motion dated March 23, 2006 to reopen this 26 year old case. In the motion, plaintiff makes reference to an Equal Employment Opportunity Commission (“EEOC”) right-to-sue letter dated June 2005. The court is not in possession of any such letter and its purported “filing” is not reflected on the docket sheet for this case. In any event, if plaintiff sought to initiate a new action based on the EEOC letter, his time to do so would have expired 90 days after his receipt of the letter. 42 U.S.C. § 2000e-5(b).

In 2003, plaintiff filed a motion to reopen this case, which was denied by this court in an order dated November 21, 2003, and a motion to reconsider, which was denied by order dated December 23, 2003. Plaintiff then appealed those orders to the United States Court of Appeals for the Second Circuit. In a mandate issued on April 14, 2005, plaintiff’s appeal was dismissed as “lacking an arguable basis in law or fact” because (1) his “delay of twenty years in filing his motion to reopen is ‘patently unreasonable’” and (2) he had previously been enjoined from filing any appeal absent proof that he had complied with an earlier order to pay sanctions. In light of the Court of

Appeals's mandate, plaintiff's instant motion is denied.

**SO ORDERED.**

/S/

**NINA GERSHON**

**United States District Judge**

Dated: Brooklyn, New York  
April 26, 2006